

1 a form, I presume a Federal Government form and -- that breaks
2 down your wages, divvies them up, and wherever they go they
3 go.

4 MR. GREENEBAUM: And, if you would, take a look at
5 Tab 7.

6 JUDGE SIPPEL: This is Tab 7 of Exhibit 40.

7 BY MR. GREENEBAUM:

8 Q Before we go to that, let me clarify one loose end.
9 You referred to it as a Federal Government form. You know you
10 receive it from the company and not the Federal Government,
11 don't you?

12 A I don't -- I look at that form. That looks like
13 something that didn't come off of one of our computers. I
14 don't know where it came from.

15 Q So, you're not familiar with what a W-2 Form is. Is
16 that your testimony?

17 A Well, I'm familiar with it because I'm sitting here
18 looking at it and I've seen it before. But like I originally
19 said, I don't pay any attention to it. I give it to my tax
20 guy. As far as the numbers and the breakdown are, I don't --
21 I couldn't tell you what those numbers are.

22 Q And you don't know what the purpose of it is either,
23 is that right?

24 A I think you just asked me that and I told you what
25 it was. It was to break down your compensation.

1 Q And you don't know who gives it to you?

2 A I --

3 MS. SCHMELTZER: Objection. Asked and answered.

4 MR. GREENEBAUM: I don't believe he has.

5 JUDGE SIPPEL: The question was in. No, it's not.

6 I'm going to overrule the objection.

7 WITNESS: You mean what person gives it to me?

8 MR. GREENEBAUM: Physically, what entity gives you a
9 W-2?

10 WITNESS: I presume it's the Government, Internal
11 Revenue Service.

12 MR. GREENEBAUM: And would you now look at Tab 7?

13 JUDGE SIPPEL: Well, before you do that, I want to
14 ask a question here. Does -- are -- is your testimony that
15 this is the first time that you've ever thought through the
16 process of a W-2 Form in terms of this specific information?

17 WITNESS: No one has ever asked me what is a W-2
18 for.

19 JUDGE SIPPEL: Well, no, I didn't ask you that,
20 whether anybody ever asked you that before. I'm saying your,
21 your, your -- you, you -- the implication I get here is from
22 you -- the way you're answering these questions, that this is
23 your first exposure to a W-2 Form in terms of its purpose, in
24 terms of what's on it.

25 WITNESS: Like I said, once a year, or however often

1 | it is I get one of these things, I don't even look at it when
2 | I get it to, to see whatever these numbers are that are
3 | blacked out. I know it goes to my tax guy. He takes it and
4 | tells me what my taxes are and how much I have to pay. I
5 | mean, it doesn't take, you know, much to look at and figure
6 | out what it's all about. It's breaking down your income -- or
7 | one portion of your income, in my case.

8 | JUDGE SIPPEL: Okay, Mr. Greenebaum.

9 | BY MR. GREENEBAUM:

10 | Q What portion of your income in your case is it
11 | breaking down?

12 | A I, I don't know what the percentage is.

13 | Q Well, is it -- what, what income are you talking
14 | about?

15 | A I'm talking about -- this says Sinclair Broadcast
16 | Group.

17 | Q Are you talking about your salary?

18 | A My remuneration. Whatever you want to call it.

19 | Q I don't want to call it anything. I'm just trying
20 | to find out what you call it.

21 | A Neither do I.

22 | Q Okay. Now, sir, look at Tab 7.

23 | A Okay.

24 | Q You see that is a W-4 entitled "Employee's
25 | Withholding Allowance Certificate"?

1 A Yes.

2 Q Is that your signature under the "employee's signa-
3 ture" line?

4 A Yes, it is.

5 Q And do you know what purpose you executed this?

6 A Because my tax man told me to.

7 Q Other than what your tax man told you to, you have
8 no idea or understanding of what it is or is intended to do,
9 is that correct?

10 A It's an Employee's Withholding Allowance
11 Certificate.

12 Q Other than what you're reading --

13 A That's what I'm -- what's withheld from my remuner-
14 ation from Sinclair Broadcast Group, I presume. It doesn't
15 say on there -- corporation.

16 Q Now, sir -- would it be fair to say without going
17 through a lot of questions that you have absolutely no knowl-
18 edge of the Internal Revenue Code other than the fact that it
19 exists?

20 A I have no knowledge of the Internal Revenue Code?

21 Q Yes, sir.

22 A I don't even know what that term Revenue Code is.
23 Is that a book somewhere? I mean, I --

24 JUDGE SIPPEL: That's all right. I think we can
25 move on to some other --

1 WITNESS: I don't understand.

2 JUDGE SIPPEL: -- question.

3 MR. GREENEBAUM: I wonder if Your Honor would
4 revisit my motion to strike portions of his direct testimony
5 which gives conclusions of law about income and W-2's and
6 W-4's?

7 JUDGE SIPPEL: Well, I think that you get, you get
8 more advantage out of having the record sit the way it is.

9 MR. GREENEBAUM: Okay. I'll withdraw that. If you
10 want the record --

11 JUDGE SIPPEL: Off the record.

12 (Off the record. On the record.)

13 JUDGE SIPPEL: We're on the record.

14 MR. GREENEBAUM: Mr. Smith, I'd like to ask -- hand
15 you Exhibit 46, which is the Application filed on behalf of
16 Four Jacks in this proceeding, and refer you to FCC Form 301,
17 exhibit no. 4.

18 JUDGE SIPPEL: This is the, so that the record is
19 clear, this is the portion of the Application that's --

20 MR. GREENEBAUM: Was marked Exhibit 46.

21 JUDGE SIPPEL: -- 46, and this is as -- so, it's as
22 of September 3, 1991. It doesn't have any amendments.

23 MR. GREENEBAUM: September 3, '91.

24 JUDGE SIPPEL: Correct.

25 MR. GREENEBAUM: It's page -- it's Exhibit no. 4,

1 the top right-hand corner. There's not a page number.

2 JUDGE SIPPEL: No, it's towards the back of the
3 document.

4 WITNESS: Okay.

5 BY MR. GREENEBAUM:

6 Q Do you see that, sir?

7 A Yes, sir.

8 Q And do you recognize that as the pledge you made to
9 divest in September 1991 if you were successful with this
10 Application?

11 A Yes.

12 Q And you see that the bottom line, in addition to
13 saying that you will divest in a manner which will be compli-
14 ant with Section 73.3.5 and so forth, you would also sever all
15 connections with WBFF-TV, Channel 45, Baltimore, Maryland?

16 A Yes.

17 Q Now, sir, if you would look at exhibit -- the same
18 Exhibit, exhibit no. 6, page 4, the bottom of the page? Do
19 you see the last sentence starting, "To fulfill their inte-
20 gration commitments each of the brothers will resign from
21 their then current employment and will limit or terminate any
22 other activities that might interfere with their integration
23 commitments..."?

24 A Yes.

25 Q And you, you recognize those as pledges that were

1 made by you and on your behalf at the time the Application was
2 filed?

3 A Yes.

4 MR. GREENEBAUM: Now, I would like to mark for
5 evidence, Your Honor, the Integration Diversification
6 Statement filed on behalf of Four Jacks on May 7, 1993.

7 MS. SCHMELTZER: I believe it's already in the
8 record, Your Honor. I believe it came in in the preceding
9 hearing as an exhibit.

10 MR. GREENEBAUM: We were -- I -- that's --

11 MS. SCHMELTZER: I'm sure it's in.

12 MR. GREENEBAUM: That's fine.

13 MS. SCHMELTZER: I just don't have --

14 JUDGE SIPPEL: All right. I'll -- I'm going to go
15 off the record for just a minute here.

16 (Off the record. On the record.)

17 JUDGE SIPPEL: In the off-the-record discussions, we
18 compared our respective exhibit list and no one finds the
19 Integration Statement for, for Four Jacks as having been
20 marked and received in evidence, and therefore at counsel's
21 request, at Mr. Greenebaum's request, we are now marking a
22 document entitled "Integration Diversification Statement," and
23 it's -- it is -- that is the document on behalf of Four Jacks
24 Broadcasting, Inc., that was exchanged with counsel and pre-
25 sented to myself on the 7th of May, 1993. That document will

1 be marked for identification as Scripps Howard No. 47.

2 (Whereupon, the document referred to
3 as Scripps Howard Exhibit No. 47 was
4 marked for identification.)

5 JUDGE SIPPEL: Now, you have questions of the
6 witness with this one?

7 MR. GREENEBAUM: Two, Your Honor.

8 JUDGE SIPPEL: You may proceed.

9 BY MR. GREENEBAUM:

10 Q Mr. Smith, do you have Exhibit 47 in front of you?

11 A Yes.

12 Q Would you look at page 2 where it says "Robert E.
13 Smith" in the middle of the page? Ask you if you see a reaf-
14 firmance of: your pledge to fulfill his integration commit-
15 ment. Robert E. Smith will resign from his then current
16 employment and will limit or terminate any other activities
17 that might interfere with his integration commitment.

18 A Yes.

19 Q And on page 3 you see, see the reaffirming --
20 reaffirmation of your pledge to divest yourself and sever all
21 connections with WBFF-TV, Channel 45, Baltimore, Maryland, as
22 well under the Diversification section --

23 A Yes.

24 Q -- in III?

25 A Yes, I do.

1 Q And now take a look at what I believe is Four Jacks
2 Exhibit 3, which is the Declaration of Robert E. Smith dated
3 9/10/1993. Are you getting that?

4 A I'm sorry? Where, where we are now?

5 JUDGE SIPPEL: Exhibit 3.

6 MR. GREENEBAUM: That's his direct testimony, I
7 think. It's September 1993. Your Honor, while he's looking
8 at that, I would move the Integration Diversification
9 Statement, Exhibit 47, into evidence.

10 JUDGE SIPPEL: All right. Any objection?

11 MS. SCHMELTZER: I'm, I'm not sure why this is
12 coming into the exhibit -- into the record. I don't know
13 what --

14 JUDGE SIPPEL: Well --

15 MS. SCHMELTZER: -- relevance is it.

16 JUDGE SIPPEL: I'm sorry. I didn't mean to cut you
17 off. You, you're objecting on a relevancy basis. Mr. Zauner?

18 MR. ZAUNER: I have no objection.

19 JUDGE SIPPEL: If anything, it goes to the nub of
20 the issue that I added. It's going to be this Integration
21 Statement. And it, it's -- for starts, I'm, I'm going to
22 overrule the objection and receive it into evidence as, as
23 Scripps Howard's No. 47. So, that's in.

24 (Whereupon, the document marked for
25 identification as Scripps Howard

1 Exhibit No. 47 was received into
2 evidence.)

3 JUDGE SIPPEL: Now, we're back to the phase one
4 testimony of this witness, and that's --

5 MR. GREENEBAUM: Four Jacks Exhibit 3.

6 JUDGE SIPPEL: Exhibit 3. And is he directed to a
7 paragraph and page?

8 MR. GREENEBAUM: Exhibit 3, A, Integration,
9 Quantitative, bottom of the first paragraph.

10 JUDGE SIPPEL: Do you have that page, Mr. --

11 WITNESS: Yes.

12 JUDGE SIPPEL: -- Smith?

13 WITNESS: Yes, sir.

14 MR. GREENEBAUM: Do you see at the end of the first
15 paragraph you reiterate: your commitment to resign from your
16 then current employment and limit or terminate any activities
17 that might interfere with your integration commitment?

18 WITNESS: Yes, sir.

19 MR. GREENEBAUM: And on page 6 of that exhibit you
20 reaffirm the pledge to timely divest and sever all connections
21 with WBFF-TV. Is that right? Last page before --

22 MR. ZAUNER: Doesn't the document speak for itself?

23 JUDGE SIPPEL: That's --

24 WITNESS: Yes.

25 JUDGE SIPPEL: -- cross-examination. I'm going to

1 permit this. Go ahead.

2 WITNESS: Yes.

3 MR. GREENEBAUM: Do you feel that you've made a
4 commitment to the FCC to resign your employment with Sinclair
5 if you're successful with your challenge to Channel 2?

6 WITNESS: With Sinclair I never agreed to resign
7 from my office there. What we're talking about here is
8 Channel 45, divest-- we won't have that anymore.

9 MR. GREENEBAUM: Do you see anything in the docu-
10 ments that we have been through this afternoon, these last
11 few, that would suggest that you intended to remain with
12 Sinclair if you were successful --

13 MS. SCHMELTZER: Objection. The form only asks you
14 what you're going to divest, not what you're going to remain
15 with.

16 JUDGE SIPPEL: Well, I'm going to permit the
17 question. Did -- I -- that --

18 MS. SCHMELTZER: And the, and the things that we
19 have filed speak for themselves.

20 JUDGE SIPPEL: Well --

21 MR. GREENEBAUM: Well, Your Honor --

22 JUDGE SIPPEL: I -- well, go ahead. I'm going to
23 overrule the objection.

24 MR. GREENEBAUM: Do you --

25 JUDGE SIPPEL: Go ahead.

1 MR. GREENEBAUM: Do you see anything in the docu-
2 ments we've been reviewing this afternoon that makes it clear
3 if you planned to continue in your present role at Sinclair if
4 you were successful with your challenge to Channel 2?

5 MR. ZAUNER: I'm, I'm going to object on the grounds
6 it's really unfair for the witness -- he's been shown an awful
7 lot of documents this afternoon and this morning --

8 MR. GREENEBAUM: Your Honor, I --

9 MR. ZAUNER: -- and to sit down and try to figure
10 out whether he's seen something someplace that might --

11 JUDGE SIPPEL: It's a fair question. I'm going to
12 let it -- I'm overruling that objection. These witnesses know
13 why they're here today. Go ahead, Mr. Greenebaum.

14 MR. GREENEBAUM: Could you answer that question?

15 WITNESS: Can I first read all this? Because I know
16 it's in here somewhere where we have never --

17 JUDGE SIPPEL: Are you sure you understand the
18 question? If not, just say so.

19 WITNESS: We, we've never specifically understood
20 the whole concept of us divesting Channel 45 having anything
21 to do with SBG or time spent there period. Whatever these
22 things say --

23 JUDGE SIPPEL: I don't think that was his question.
24 Listen to his question.

25 MR. GREENEBAUM: I'm asking you --

1 WITNESS: I can take them one at a time, but --

2 JUDGE SIPPEL: Well, are they -- do you -- what Mr.
3 Greenebaum is asking and what I'd be interested in hearing is
4 do you think -- is there something here that has been put
5 before you today or something in this record that you have
6 some, some familiarity with in a general way that would estab-
7 lish the fact that you intended to stay with Sinclair if you
8 win the -- stay -- if you win the Channel 2 allotment?

9 WITNESS: Can I quote this?

10 JUDGE SIPPEL: You can quote anything.

11 WITNESS: I'll take one of your documents, one of
12 the better documents -- the documents. It says: "Robert E.
13 Smith will resign from his then current employment and will
14 limit or terminate any other activities that might interfere
15 with his integration commitment."

16 If you take it one at a time, "...resign from his
17 then current employment..." -- I could view that as, you know,
18 working for McDonald's or on a lemonade stand. What I do for
19 Sinclair Broadcast Group -- and it says will not -- "...and
20 will limit or terminate any other activities..." It's the
21 same thing. Nothing we do or nothing I do at Sinclair
22 Broadcast Group is going to interfere with what I've said I'm
23 going to do. Period. I -- you know, whatever this stuff
24 says.

25 MR. GREENEBAUM: That's, that's your --

1 WITNESS: That's how, that's how I would interpret
2 that, reading that.

3 MR. GREENEBAUM: Mr. Smith, if you had wanted to say
4 to the Commission that if we're successful with Channel 2 we
5 intend to retain all of our positions with Sinclair Broadcast
6 Group, Inc., you knew how to say that, didn't you?

7 MS. SCHMELTZER: Objection. There was no require-
8 ment that we say that. The only requirement is that you
9 propose to -- if you -- in -- say what you're proposing to
10 divest. The question on the Form 301 is: What do you propose
11 to divest, if anything?

12 MR. GREENEBAUM: I'm not talking --

13 JUDGE SIPPEL: If you're right as a matter of law,
14 then that's going to be, you know -- then you're right as a
15 matter of law. But right now we're on a fact-finding --

16 MS. SCHMELTZER: But that --

17 JUDGE SIPPEL: -- exercise here and I'm going to
18 permit --

19 MS. SCHMELTZER: I also object to the form of the
20 question: If you wanted to, could you have. It's --

21 MR. GREENEBAUM: Well --

22 MS. SCHMELTZER: -- it's pure speculation.

23 MR. GREENEBAUM: I'm, I'm, I'm --

24 JUDGE SIPPEL: I'm going to permit the question and
25 overrule the objection.

1 MR. GREENEBAUM: Could you answer, please, sir?

2 WITNESS: Can I hear it again?

3 MR. GREENEBAUM: Yeah. If you had wanted to advise
4 the Commission that you intended to maintain your positions
5 with Sinclair if you were successful with your challenge to
6 Channel 2, you knew how to say that in plain and simple
7 English, did you not?

8 WITNESS: I don't know what I knew how to say then.

9 MR. GREENEBAUM: Could you please take a look at
10 page 4 of your direct testimony in connection with the -- with
11 this proceeding today?

12 JUDGE SIPPEL: That will be your Exhibit --

13 MR. GREENEBAUM: Well, let --

14 JUDGE SIPPEL: -- 27.

15 MR. GREENEBAUM: Yes.

16 WITNESS: Page 4?

17 MR. GREENEBAUM: Page 4, paragraph 8. Would you
18 read paragraph 8 to yourself, please?

19 JUDGE SIPPEL: Go off the record while he reads it.

20 (Off the record. On the record.)

21 BY MR. GREENEBAUM:

22 Q And I would like to call your attention to the
23 sentence -- the next to the last sentence of paragraph 8 which
24 says: "I believe that this intention was made clear in Four
25 Jacks filing to the FCC throughout the course of this

1 proceeding."

2 Can you tell me what filing you had in mind that
3 made this intention clear?

4 A Well, I -- like I just said, I could read this one,
5 I could read that one, I could read any of them. I'm still
6 going to come up with the same conclusion, so in my mind it's
7 all of them.

8 Q You think they're all clear?

9 A In my mind they're crystal clear.

10 Q And you think they state crystal clear that you plan
11 to remain with Sinclair and have always planned to remain with
12 Sinclair if you were successful with your challenge to Channel
13 2. Is that your testimony?

14 A In my mind it's 100 percent affirmative that that's
15 what that says when I read it.

16 Q Now, have you, sir, read the FCC-- the SEC filings,
17 the Securities and Exchange Commission's filings that have
18 been made on behalf of Sinclair?

19 A Yes.

20 Q And you reviewed them all?

21 A No.

22 Q Are you familiar with the Registration Statement and
23 Prospectus filed with the SEC in December 1993?

24 A Yes. Was that the final one? There's about eight
25 drafts of that thing. If that's the final one, the answer is

1 yes.

2 Q Is that the one you read?

3 A I believe so. I don't know. I may have read the
4 first one and never read another one. There were so many
5 drafts of those things. And they were never really changed
6 too much.

7 MR. GREENEBAUM: If Your Honor will give us a
8 moment?

9 JUDGE SIPPEL: Go off the record for a minute.

10 (Off the record. On the record.)

11 BY MR. GREENEBAUM:

12 Q Now, as I understand your testimony, I'm trying to
13 close without going through a lot more, notwithstanding spe-
14 cific titles and assigned duties, is there going to be a, is
15 there going to be a continuation of the management committee
16 approach that you've referred to in your present operation if
17 you're successful in your challenge to Channel 2 with that
18 station as well?

19 A The management committee from the aspect that each
20 department head will be as a part of that management team with
21 the ultimate decisive power being the general manager, as with
22 all the rest of our TV stations is, then that's a likely
23 outcome.

24 Q Has, has that been -- ever been discussed?

25 A I don't recall necessarily.

1 Q Let me refer you to your Deposition on July 28,
2 1993, page 64, line 4. Question: "Notwithstanding the spe-
3 cific titles and assigned duties, is there going to be a
4 continuation of the management committee approach, is that
5 correct?"

6 Answer: "That hasn't been discussed."

7 Question: "It's never been discussed?"

8 Answer: "No."

9 Do you recall that?

10 A I don't have it in front of me because I've got too
11 many documents up in front of me --

12 Q Well, all right. Well, that's --

13 JUDGE SIPPEL: We'll show it to you.

14 MS. SCHMELTZER: I'm sorry. What page is that?

15 JUDGE SIPPEL: Go off the record so he can find it.

16 (Off the record. On the record.)

17 JUDGE SIPPEL: Go ahead.

18 MR. GREENEBAUM: Mr. Smith, have you now had an
19 opportunity to read in your Deposition taken July 28, 1993, on
20 page 64, lines 4 through 10?

21 WITNESS: Yes.

22 MR. GREENEBAUM: Does that refresh your recollection
23 that a management committee for Channel 2 had never even been
24 discussed?

25 MS. SCHMELTZER: That's exactly what he said before,

1 Mr. Greenebaum.

2 MR. GREENEBAUM: Is that correct?

3 WITNESS: Yes. That's what I said.

4 MR. GREENEBAUM: Now --

5 JUDGE SIPPEL: Are, are you finished with that line,
6 Mr. Greenebaum?

7 MR. GREENEBAUM: Well, this -- Your Honor, I'm just
8 -- this is my last point. I just want to make sure whether I
9 go just a little bit further, if you give me one moment.

10 JUDGE SIPPEL: Well, you're, you're still on this
11 management committee?

12 MR. GREENEBAUM: Yes.

13 JUDGE SIPPEL: All right.

14 MR. GREENEBAUM: I may switch to another document.

15 JUDGE SIPPEL: Why don't we go off the record.

16 (Off the record. On the record.)

17 MR. GREENEBAUM: I was just trying to do it without
18 -- I've got to go to another document. I apologize.

19 Mr. Smith, do you have the Four Jacks Application in
20 front of you?

21 WITNESS: I have it somewhere.

22 JUDGE SIPPEL: That's Exhibit 46. Mr. Lane, can you
23 help him?

24 MR. LANE: Sure.

25 WITNESS: Is this it?

1 MR. LANE: That's it. Thanks.

2 MR. GREENEBAUM: Would you turn to Exhibit no. 6,
3 page 4, under "Other Matters," and direct your attention to
4 the last paragraph on that page starting with: "When the
5 application of Channel 2 is granted..." Would you read that
6 paragraph to yourself to the end?

7 WITNESS: Okay.

8 MR. GREENEBAUM: When, when did you and your broth-
9 ers decide that you would run the proposed station as a
10 management committee?

11 MS. SCHMELTZER: Objection, Your Honor. That's --

12 JUDGE SIPPEL: What? What's the nature of the
13 objection? It's -- he's asking --

14 MS. SCHMELTZER: I object to the form of the
15 question.

16 JUDGE SIPPEL: No. I'll overrule that.

17 WITNESS: I don't know when we decided.

18 MR. GREENEBAUM: Is that statement true as written?

19 WITNESS: Like I said in -- I think I've said
20 before, I don't know, all our stations are run by management
21 committees and there's no reason to assume that Channel 2
22 would not be.

23 MR. GREENEBAUM: So, that's the way --

24 WITNESS: We --

25 JUDGE SIPPEL: Let him finish.

1 MR. GREENEBAUM: I didn't mean to cut him off.

2 WITNESS: I'm sorry. I was just -- we would simply
3 be department heads of that management committee, of which
4 there would be five or six others.

5 JUDGE SIPPEL: I'm sorry. Five or six other what?

6 WITNESS: Other department heads, running that
7 station.

8 BY MR. GREENEBAUM:

9 Q So, all your stations are run that way?

10 A Yes.

11 Q And that's the way you understand you plan to run
12 Channel 2, if you're successful, as well, is that correct?

13 A That's the way I would assume to be understood.
14 That's the way I understand it.

15 Q Are you saying that you and your brothers run
16 Sinclair through a management committee or each of the sta-
17 tions or both? I just want to make sure. The record I think
18 is now --

19 A I think that's where the confusion has always been.

20 Q Could you clarify it for us today?

21 A Well, Sinclair Broadcast Group is the four of us.
22 We run by committee. Each station also runs their operation
23 by a department head committee, if you would, have a meeting
24 every week and they discuss issues of what's going on with the
25 station. They talk about problems, solutions, et cetera, et

1 cetera. And then at the end of the meeting if there's any-
2 thing that needs to be ruled on, the general manager has that
3 call. In this case, the general manager is David. And that's
4 the way I see the management committee of Channel 2, being the
5 three of us and whatever other department heads there are,
6 with the general manager having the final call on whatever the
7 issues are. That's the way all the other stations are run.
8 That's the way we -- I presume that we would run Channel 2.

9 MR. GREENEBAUM: I have no further questions of this
10 witness, Your Honor.

11 JUDGE SIPPEL: I'm --

12 MR. ZAUNER: I have some questions, yes, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. ZAUNER:

15 Q Could we just get back to this management committee
16 for, for one moment? I'm, I'm really a little, a little lost
17 as to exactly what it is and what it does. What kind of
18 decisions does the management committee make, if any, in your
19 operations?

20 A Do you mean the executive committee, the, the four
21 of us, or the station management committees? Each station has
22 their own of which we are not a part currently.

23 Q Well, I, I don't know. Because all I know is the
24 exhibits --

25 A I think that's -- yeah. I think that's the

1 confusion. It's always been on this side of the table.

2 Q Okay. Where it says -- exhibit no. 6, page 4, that
3 you were just focused on, it says that: "When the application
4 for Channel 2 is granted David, Robert, and Frederick will be
5 involved in the day-to-day operations of Channel 2 on a full-
6 time basis as described above. Though they will carry respec-
7 tively the titles of general manager, station manager, and
8 operations manager, they will run the proposed family-owned
9 station as a management committee."

10 And what I'm asking is with regard to management
11 committee as it's used in that statement, what kind -- what
12 will it do? What will it's functions be? What kind of deci-
13 sions will it make?

14 A Well, for example, I'll go back to the weekly
15 meeting. There'll be a weekly meeting. And if I'm the opera-
16 tions manager and I'm having trouble where I want input on an
17 issue revolving around public affairs, where we want to head
18 with public affairs this week, maybe we'll have a brainstorm-
19 ing session where we'll discuss ideas to make the public aware
20 of what's going, what's going on by virtue of using the tele-
21 vision station. We'll have maybe a ten-minute discussion.
22 We'll bat ideas around, and those ideas will be batted around
23 by my brothers and myself and then all the rest of the depart-
24 ment heads, the news personnel and everyone. Promotion will
25 be involved and we'll discuss matters. And the way it works,

1 | you just go around the table and each person has their turn to
2 | discuss what their department's doing, how it interacts with
3 | other departments. And if there's any problems that need to
4 | be resolved, the general manager will resolve that -- will
5 | have the final call.

6 | Q Well, let's say that you're operations director and
7 | you bat around some idea in your area.

8 | A I'm station, I'm station manager.

9 | Q You'll be sta-- well, you use the term -- you use
10 | the example of operations manager.

11 | A Okay.

12 | Q It doesn't matter.

13 | A I'm not trying to confuse anybody.

14 | Q Well, whatever position you have doesn't make any
15 | difference. But let's say that you're operations director or
16 | station manager --

17 | A Okay.

18 | Q -- and, and something in your area of responsibility
19 | is discussed at the management committee meeting.

20 | A Right.

21 | Q Would the ultimate decision be left to you because
22 | it's in your area and then you would implement it with the
23 | input that you obtained at the committee meeting or would the
24 | question go to the general manager to make the determination
25 | on?

1 A The general manager in all of our stations now, and
2 the way I presume we would run Channel 2, would have the final
3 call on whatever my -- if I had a problem and I -- let's say I
4 was fighting with the promotion manager over the way the tape
5 machine was being operated or used. I would say well, he
6 shouldn't do it that way. He would say well, you should do it
7 that way. And to stop the bickering, the general manager will
8 say, you're wrong, he's right, now what's the next issue,
9 let's get on with it. That's the way it worked when I was the
10 program manager at WBFF. The general manager had the final
11 call.

12 Q You indicated, I believe, that you're Treasurer
13 of --

14 A Yes.

15 Q -- of Sinclair --

16 A Of Sinclair.

17 Q -- Broadcast Group, and that would include its
18 subsidiaries, correct?

19 A Right.

20 Q What are your present duties as Treasurer?

21 A I don't have any specific duties as Treasurer on a
22 day-to-day basis.

23 Q You, you maintain an office at -- on property rented
24 by Sinclair Broadcast Group, is that correct?

25 A 2000 West 45th Street. That's correct.